उत्तर प्रदेश शासन

वित्त(सामान्य)अनुभाग-3

संख्या-17/2015/सा-3-855/दस-2015-101(24)/2008 टी0सी0

लखनऊ : दिनॉक : 10 सितम्बर, 2015

कार्यालय-ज्ञाप

दिनॉक 01 जनवरी, 2006 के पूर्व सेवानिवृत्त अखिल भारतीय सेवा के पेंशनरों के पेंशन पुनरीक्षण के संबंध में भारत सरकार, कार्मिक लोक शिकायत एवं पेंशन मंत्रालय, पेंशन और पेंशनभोगी कल्याण विभाग के कार्यालय के कार्यालय-ज्ञाप संख्या-38/37/08-पी0एण्डपी0 डब्ल्यू0(ए), दिनॉक 28-01-2013 की प्रतिलिपि प्रेषित किये जाने हेतु वित्त विभाग द्वारा कार्यालय-ज्ञाप संख्या-सा-3-198/दस-2013-101(24)/2008, दिनॉक 09-04-2013 निर्गत किया गया था। केन्द्र सरकार के उक्त कार्यालय-ज्ञाप दिनॉक 28-01-2013 की व्यवस्था कार्यालय - ज्ञाप के प्रस्तर-9 के अनुसार दिनॉक 27-09-2012 से लागू की गयी थी।

2- अब पेंशन और पेंशनभोगी कल्याण विभाग भारत सरकार द्वारा निर्गत कार्यालय-ज्ञाप संख्या-38/37/08-पी0एण्डपी0 डब्ल्यू0(ए), दिनॉक 30-07-2015 के प्रस्तर-4 के अनुसार दिनॉक 28-01-2013 के कार्यालय-ज्ञाप की व्यवस्था दिनॉक 23-09-2012 के बजाय दिनॉक 01-01-2006 से लागू होगी। अतः पेंशन और पेंशनभोगी कल्याण विभाग, भारत सरकार के उक्त कार्यालय-ज्ञाप दिनॉक 30-07-2015 की प्रति संलग्न करते हुए अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि अखिल भारतीय सेवा के पेंशनरों को देय पेंशन का पुनरीक्षण उक्त कार्यालय-ज्ञाप में दी गयी संशोधित व्यवस्था को ध्यान में रखते हुए किया जाये।

संलग्नक : यथोक्त।

अजय अग्रवाल

सचिव, वित्त।

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1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है ।

2- इस शासनादेश की प्रमाणिकता वेब साइट http://shasanadesh.up.nic.in से सत्यापित की जा सकती है ।

http://shasanadesh.up.nic.in

संख्या-17/2015/सा-3-855(1)/दस-2015, तददिनॉक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः-

1- समस्त प्रमुख सचिव / सचिव, उत्तर प्रदेश शासन।
2- महालेखाकार, उत्तर प्रदेश, इलाहाबाद।
3- विशेष सचिव, इरला चेक अनुभाग, उत्तर प्रदेश शासन।
4- निदेशक, कोषागार, जवाहर भवन, उत्तर प्रदेश, लखनऊ।
5- निदेशक, पेंशन निदेशालय, इन्दिरा भवन, उत्तर प्रदेश, लखनऊ।
6- उत्तर प्रदेश के समस्त जनपदों के मुख्य कोषाधिकारी / वरिष्ठ कोषाधिकारी / कोषाधिकारी।

आज्ञा से,
नील रतन कुमार
विशेष सचिव।

http://shasanadesh.up.nic.in

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है ।
2- इस शासनादेश की प्रमाणिकता वेब साइट http://shasanadesh.up.nic.in से सत्यापित की जा सकती है ।

No.38/37/08-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare
3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi
Dated the 30th July, 2015

Office Memorandum

Sub:- Revision of pension of pre-2006 pensioners — reg.

The undersigned is directed to say that as per Para 4.2 of this Department's OM of even number dated 1.9.2008 relating to revision of pension of pre-2006 pensioners w.e.f. 1.1.2006, the revised pension w.e.f. 1.1.2006, in no case, shall be lower than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. A clarification was issued vide DoP&PW OM of even number dated 3.10.2008 that the pension calculated at 50% of the minimum of pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale.

2. Several petitions were filed in Central Administrative Tribunal, Principal Bench, New Delhi inter alia claiming that the revised pension of the pre-2006 pensioners should not be less than 50% of the minimum of the pay band + grade pay, corresponding to the pre-revised pay scale from which pensioner had retired, as arrived at with reference to the fitment tables annexed to Ministry of Finance, Department of Expenditure OM No.1/1/2008-IC dated 30th August, 2008. Hon'ble CAT, Principal Bench, New Delhi vide its common order dated 1.11.2011in OA No.655/2010 and three other connected OAs directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the Resolution dated 29.8.2008 of the Department of Pension & Pensioners' Welfare and in the light of the observations of Hon'ble CAT in that order.

3. The above order was challenged by the Government by filing Writ Petition No.1535/2012 in respect of OA No. 655/2010 and WP No.2348-50/12 in respect of the three other connected OAs in the High Court of Delhi. The Hon'ble High Court in its common Order dated 29.4.2013 noted that the DoP&PW had, in the meanwhile, issued an OM No.38/37/08-P&PW (A) dated 28.1.2013 which provided for stepping up of pension of pre-2006 pensioners w.e.f. 24.9.2012 to 50% of the minimum of pay in the pay band and grade pay corresponding to pre-revised pay scale from which the pensioner had retired. Hon'ble High Court observed that the only issue which survived was, with reference to Paragraph 9 of OM dated 28.1.2013 which makes it applicable w.e.f. 24.9.2012 instead of 1.1.2006. Hon'ble High Court of Delhi dismissed the Writ Petition No.1535/2012 along with three other Writ Petitions vide its order dated 29.4.2013. Special Leave Petitions (No.23055/2013 and No.36148-50/2013) filed against the said order dated 29/4/2013 of the Hon'ble Delhi High Court have also been dismissed by the Hon'ble Supreme Court.

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4. Accordingly, in compliance with the above judicial pronouncements, it has been decided that the pension/family pension of all pre-2006 pensioners/family pensioners may be revised in accordance with this Department's OM No.38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012. Further, this benefit has already been granted to the Applicants in OA No. 655/2010 vide OM of even No. dated 26/08/2014 read with OM dated 19/09/2014 following dismissal of SLP (C) No.23055/2013 by the Hon'ble Supreme Court.

5 In case the consolidated pension/family pension calculated as per para 4.1 of O.M. No.38/37/08-P&PW (A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated in the O.M. dated 28.1.2013, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

6. All other conditions as given in OM No. 38/37/08-P&PW (A) dated 1.9.2008, as amended from time to time shall remain unchanged.

7. Ministry of Agriculture, etc. are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and subordinate Offices under them on a top priority basis. All pension disbursing offices are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

8. This issues with the approval of Ministry of Finance ID Note No. 1(9)/EV/2011-Vol.II dated 24.7.2015.

9. Hindi version will follow.

(Harjit Singh)
Deputy Secretary to the Government of India

To

1. All Ministries/Departments (as per standard mailing list)
2. All SCOVA Members
3. All identified Pensioners Associations

Copy to NIC for uploading on the website of the Department.